



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

APR 13 1994

Sandra L. Oberkfell
Rudnick & Wolfe
Suite 1800
203 North La Salle Street
Chicago, Illinois 60601-1293

Dear Ms. Oberkfell:

Enclosed is a Modification of the Consent Agreement which Bob Richards and I prepared which I think incorporates your and my telephone discussion of these issues. If the Modification is acceptable, please sign and return. If you have some concerns with the wording, please contact me. Once you and I have agreed upon the wording, I will take it to our Regional Counsel. At that time I will also coordinate the supplemental environmental projects activities with Region 5 and the State of Illinois.

If you have any questions concerning this matter, please contact me at (913) 551-7455.

Sincerely yours,

Ruben B. McCullers
Environmental Scientist
RCRA Compliance Section

Enclosure

cc: Ed Sadler
Missouri Department of Natural Resources



R00000628

RCRA Records Center

at a temporary location, with plans to relocate those operations in Quincy, Illinois at a permanent location;

WHEREAS, in order to allow the Respondent to perform environmentally beneficial supplemental projects under the Consent Order, and in response to the changed circumstances;

NOW, THEREFORE, EPA and the Respondent mutually agree to the following modifications to the Consent Order:

1. The Respondent shall not submit an Environmental Audit Plan, conduct an Environmental Audit, or submit an Environmental Audit Report for the West Quincy, Missouri facility as provided in the Consent Order.

2. Within 60 calendar days of the effective date of this Modification, Respondent shall submit to EPA descriptions of the following identified SEPs, which EPA considers are potentially eligible for offset under Section III.E of the Consent Order, either as performed or to be performed in the future. The descriptions shall include a cost estimate/budget, implementation schedule and statement of environmental benefits for such projects:

a. A SEP to examine the environmental impact of the flood on the West Quincy, Missouri facility. An initial examination of the facility indicated above-ground fuel and product tanks which were damaged during the flood. The SEP will remove these non-waste containing tanks and remediate any environmental damage caused by releases from these tanks during the flood.

b. A SEP identifying the activities performed by the facility prior to the flood, either on or off the facility

premises, to prevent or minimize the environmental damage from the flood to the West Quincy, Missouri area, provided that those activities are not otherwise identifiable as good management practices. These activities shall be documented in a report provided to EPA with appropriate financial documentation of the costs therein.

c. A SEP to install waste minimization or pollution prevention equipment in the existing temporary facility in Quincy, Illinois that reduces the discharges from the painting process more than required by the appropriate state regulatory agency.

d. A SEP to examine technologies previously not used by the Respondent for use in the permanent facility to be located in Quincy, Illinois, in the painting of the Respondent's products that will not produce solvent discharges into the environment. This SEP may include pollution prevention and waste minimization components, provided the goal of the minimization project is to minimize discharges more than required by the appropriate state regulatory agency.

3. Within 60 calendar days of the effective date of this Modification, Respondent shall submit to EPA a Supplemental Environmental Project investigation Plan ("SEP Plan") for Respondent's facilities located or to be located in Quincy, Illinois. The SEP Plan shall be designed to identify environmental improvements that may be made in addition to those that are submitted above. The SEP Plan shall be completed by one or more independent third parties with no affiliation or

financial interest in the Respondent or any parent, subsidiary or affiliate thereof. The SEP Plan shall provide:

- a. a statement of the qualifications of the Respondent's project officer;
- b. a cost estimate/budget for the SEP Plan, SEP investigation and SEP Report;
- c. a schedule for the performance of the SEP investigation; and
- d. the procedures that will be followed during the investigation and developing the SEP Report, described below.

4. Upon EPA approval of the SEP Plan, Respondent shall conduct a SEP investigation of the facility by fully implementing the approved SEP Plan in accordance with the schedule set forth therein. The approved SEP Plan, inclusive of any modifications, shall be incorporated into and become a part of this Order.

5. Within 60 calendar days after completion of the activities specified in the SEP Plan, Respondent shall submit to EPA a SEP Report ("SEP Report"), which shall include the following information:

- a. a description of the facilities and current compliance status of the facilities, including identification of waste streams, emissions and current releases to all environmental media at the facilities;
- b. each Federal, State or local environmental law or regulation identified as being applicable to the facilities;
- c. any other information which, in the judgment of the investigator, merits review or comment, including any

recommendation as to suggested improvements and/or modifications which could be made to Respondent's procedures or its facilities to facilitate compliance with environmental laws and regulations or benefit the environment independent of regulatory status, including descriptions of any projects which may constitute SEPs, including a cost estimate/budget and statement of environmental benefits for such SEPs.

6. The parties agree that the SEPs identified pursuant to Paragraphs 2 and 5(c) above shall be treated as if submitted to EPA in the Environmental Audit Report described in the Consent Order for the parties to further evaluate, detail, implement and credit against the civil penalty pursuant to the process described in Paragraphs 14 through 18 of the Consent Order.

7. Respondent shall provide access to EPA to the Quincy, Illinois facility or facilities as provided under Paragraph 36 of the Consent Order.

8. Progress reports required under Section D of the Consent Order shall first become due thirty days after the effective date of this modification.

9. Unless otherwise directed, Respondent shall continue to provide all notices, submittals, coordination and reporting to EPA under the Consent Order to the Region VII contact identified in the Consent Order. All notices, submittals, coordination and reporting with respect to the West Quincy, Missouri facility, shall be provided to the Missouri Department of Natural Resources. All notices, submittals, coordination and reporting with respect to the Quincy, Illinois facilities, shall be

provided to the Illinois Environmental Protection Agency. EPA shall provide the addresses for such submittals to the Respondent.

THE PARTIES AGREE that this modification is effective when signed and executed by both parties and so ordered by the Regional Judicial Officer below, and shall be incorporated into and become part of the Consent Order.

For the Respondent:

Date

Knapheide Manufacturing Co.

For the Complainant:

Date

Michael J. Sanderson
Acting Director
Waste Management Division

Date

Robert W. Richards
Office of Regional Counsel

Date

Becky Ingrum Dolph
Office of Regional Counsel

It is so ordered.

Robert J. Patrick
Regional Judicial Officer

Date

APR 13 1994

Sandra L. Oberkfell
Rudnick & Wolfe
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203 North La Salle Street
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Sincerely yours,

Ruben B. McCullers
Environmental Scientist
RCRA Compliance Section

Enclosure

cc: Ed Sadler ✓
Missouri Department of Natural Resources

bcc: Bob Richards, CNSL ✓
Patrick Splichal, PRC ✓

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